

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:19-CV-012-GCM

PAIGE L. PAHLKE, et al.,

Plaintiffs,

v.

JAMES PAUL BLAIR, et al.,

Defendants.

**MEMORANDUM OF LAW IN SUPPORT
OF MOTION FOR ENTRY OF CONSENT
PROTECTIVE ORDER FOR SBI FILE**

1. INTRODUCTION

This is an action under 42 U.S.C. § 1983 alleging that Plaintiff Jane Doe, a minor, was sexually assaulted by James Paul Blair while Blair was employed as a police officer for the City of Lowell. The sexual assault was investigated by the North Carolina State Bureau of Investigation (SBI), after which Blair plead guilty to a felony charge and is serving an active sentence in state prison.

The SBI will not release its investigative file to the parties herein without a protective order first being entered. The proposed protective order that is Exhibit A to the parties' consent motion has been approved by counsel for both the parties and counsel for the SBI.

2. GOOD CAUSE EXISTS FOR THE PROTECTIVE ORDER

Fed.R.Civ.P. 26(c)(1)(B) authorizes the issuance of a protective order to specify the "terms" for a particular "disclosure or discovery." Where, as here, the requested protective order is consented to by all parties, it may be entered with or without a showing of good cause. *In re Roman Catholic Archbishop of Portland in Oregon*, 661 F.3d 417, 424 (9th Cir. 2011) ("While courts generally make a finding of good cause before issuing a protective order, a court need not

do so where (as here) the parties stipulate to such an order.”). Nonetheless, good cause is present here given that the SBI investigative file will aid both the parties and this Court in ascertaining the facts and evidence related to Plaintiffs’ claims against the City of Lowell.

3. CONCLUSION

The parties having so stipulated, the Court is urged to adopt and enter the submitted proposed protective order to facilitate the disclosure of the SBI investigative file.

Dated: August 14, 2019

s/Scott D. MacLatchie
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